

## **REMARKS**

Claims 1 and 3-6 are pending in the application following entry of the amendments herein.

Claim 2 has been cancelled and its limitations incorporated as an amendment into claim 1.

Claim 7 has been cancelled and its limitations incorporated as an amendment into claim 6.

All pending claims are now directed to a method of presenting interactive digital video about products or services, distinct from the interactive entertainment of co-pending Application No. 10/003,196.

## **ARGUMENTS**

### **I. Claims 5-7:**

Claims 5-7 were rejected under 35 U.S.C. §102(e) in view of Green (US 6,041,310).

*[Detailed Action of June 7 2006, Section 8.]*

#### **Claim 5 Response:**

Green does not disclose steps (b) and (f) of claim 5.

The invention of claim 5 is directed to giving abbreviated information about some attribute of a product or service, when the decision path of the viewer indicates that she has already seen the more comprehensive information about the same attribute. These distinctions are expressed in steps (b) and (f).

- (b) for attributes which are common to more than one product or service, producing some of the potentially viewable scenes to provide comprehensive information about the attribute and alternative scenes to provide abbreviated information about the attribute;

- (f) in response to the viewer's selected one of the alternative decisions, presenting to the viewer, in each module that correspond to the selected alternative decision and that can be presented in a different order, the scenes providing comprehensive information for attributes not previously presented to the viewer in an earlier module and the alternative scenes providing abbreviated information for attributes previously presented to the viewer in an earlier module.

These steps are explained in paragraphs [00017] and [0018] of the application. The interactive digital video would appear stilted and artificial if the viewer is forced to see a repeat of the entire comprehensive information about an attribute of a particular car model, such as its engine or its drive system, when she had already seen that comprehensive information in researching other models. By providing alternative scenes that contain an abbreviated form of the comprehensive information, the video appears to respond to the viewer's selection as a human sales person would, since the alternative scenes can be used to remind her that she had already seen the detailed information, perhaps repeating some of the information for emphasis and telling her how it may relate differently to the model currently being reviewed, such as being an upgrade option rather than the standard. The inventive method can detect whether the viewer has previously seen the comprehensive information, regardless of which model she chooses to review first, and display to her either scenes conveying the comprehensive information or alternative scenes conveying an abbreviated set of information appropriate to the current model being reviewed.

Green cannot do this, and does not suggest that there is any reason for wanting to do this.

The Examiner is correct that Green discloses using potentially viewable scenes to provide information about attributes of the various automobiles, citing to Figure 13 of Green and its

descriptive text at Column 11, line 66 to Column 12, line 12. When the viewer chooses a Selected Vehicle from the Inventory Selection Screen, the system displays a next screen containing information about various attributes of the vehicle. But that information about the attributes is never varied based on whether the viewer had looked at the same vehicle earlier. There is no comprehensive information scene and alternative abbreviated information screens in Green, nor any reason suggested for producing such alternative information scenes.

Claim 6 Response:

Claim 6 has been amended to include the limitations of Claim 7.

Green does not disclose steps (b), (c), (g) and (h) of claim 6

- b) in at least one module, providing basic scenes which provide information about an attribute that are presented to the viewer when the module is viewed, and providing a set of alternative scenes which are only presented to the viewer in response to an interactive request by the viewer for additional information;
- (c) presenting to the viewer, at branching points that follow a basic scene providing information about an attribute, alternative decisions enabling the viewer to request additional information about the attribute that determine the next scene sequence to be presented to the viewer;
- (g) for attributes which are common to more than one product or service, recalling whether the viewer made an alternative decision regarding the same attribute in a earlier viewed module, and
- (h) if the viewer has made an alternative decision requesting additional information about the same attribute in a previously viewed module, not prompting the viewer to make the same decision in a later module.

(the underline indicates current amendment)

The invention of claim 6 is directed to steps allowing the viewer to request and view additional information about an attribute following presentation of the basic scene information

about the attribute [steps (b) and (c)]. Once the viewer has requested and viewed the additional information, however, the alternative decisions available for additional information will not be offered again if the attribute is common to a later viewed product or service and the same additional information would have been repeated if it were available to request. This is done by steps (g) and (h) modifying the steps of (b) and (c). This aspect is described in paragraph [00020] of the application.

Green cannot do this, and does not suggest that there is any reason for wanting to do this. to want to do this.

The Examiner is correct that Green discloses offering the viewer additional information about a product. When the Inventory Selection Screen (Figure 12A) lists the vehicles matching the search criteria , it also prompts “TOUCH THE DESCRIPTION OF A CAR TO SEE MORE INFORMATION”. When the viewer makes a selection, however, he gets a fixed scene (Figure 13) of the important details of the selected car. This fixed scene never changes. Every time the viewer selects this particular automobile from an Inventory Selection list he will get the same screen showing this same detailed description, even if he has seen it previously. Moreover, Green does not remove the detail screen as an alternative decision after the viewer has selected and viewed it. The viewer can repeatedly select the same automobile from an Inventory Select list and view the same detail screen as many times as he wishes.

None of this is meant to denigrate the Green system. It may work very well in simplifying searching through a car dealer’s inventory. It stops short of the method of claims 5 and 6, however, because it does not allow the viewer to make a request for more information on

an attribute of a selected automobile, such as its engine or safety features, much less determine whether he has already heard that description and use alternate scenes to provide a modified description thereafter, or remove the choice of asking for the same additional information after it has been presented.

## II Claims 1-4

Claims 1-4 are rejected under 35 U.S.C. § 103(a) as unpatentable over Haberman (US 2002/0013843) in view of Shiels (US 5,737,527). [*Detailed Action of June 7 2006, Section 10.*]

### Claim 1 Response:

Haberman is cited to be the primary reference in the obviousness rejection. Haberman discloses a method for simultaneous creation, assembly and transmission of synchronous multiple personalized messages to specific targeted individuals. The personalized message is created by segmenting a message into multiple slots, and providing different selectable segments for each slot. The multiple segments are simultaneously broadcasted to a receiver device that assembles the message in just-in-time fashion for viewing by the individual.

Haberman, however, is not interactive with the viewer. The viewer has no ability to make selections because no alternatives are presented to her. Hence, there are no branching points. In Haberman the personalized message is created by the electronic system based upon information known or surmised about the viewer, but the viewer does not any ability to select alternate paths through the content of the message. Thus steps (b) through (e) are not disclosed in Haberman.

The Examiner relies upon Shiels for teaching the interactive steps of claim 1. Shiels discloses basis interactive path selection, but does not teach or suggest steps (f), (g) or (h) of claim 1.

- (f) tracking the viewer's cumulative selected decisions and imputing that particular viewer's preferences and interests based on the viewer's selected decisions;
- (g) producing one or more sets of variation scenes that introduce the information content that address the different possible viewer preferences and interests, based on previous decisions selected from among the alternative decisions presented prior to the scene sequence, each set of variation scenes being associated with a scene that is viewable after the branching points; and
- (h) when the viewer is brought to a scene sequence that contains one of the sets of variation scenes, interspersing into the scene sequence the variation scene corresponding to the viewer's imputed preferences and interests for such products or services, based on the viewer's selected one of the alternative decisions from among the alternative decisions presented prior to the scene sequence.

Sheils doesn't track the viewer's cumulative decisions to impute the viewer's preferences and interests in a product, it merely responds to each decision at the time it is made. Thus, Shies does not disclose step (f).

Sheils also does not produce variation scenes adapted to the viewer's preference and interest in the product or service that are imputed from the viewer's interactive decisions, much less intersperse such variation scenes into the normal scene sequence following a viewer's decision. Thus, Shies does not disclose steps (g) and (h).

Claim 2 has been cancelled.

Claim 3 Response:

Neither Haberman or Shiels disclose or suggest steps (b), (d), (e) and (f) of Claim 3.

- (b) in at least one of the modules, presenting to the viewer a set of alternative decisions, each alternative decision determining an order in which a subsequent module will be presented;
- (d) in each module that can be presented in a different order, providing neutral scenes in which the content is not dependant upon the order in which the module is viewed, and providing sets of alternative scenes in which the content is dependant upon the order in which the module is viewed;
- (e) prompting the viewer to select one of the alternative decisions that will determine the order of a subsequent module;
- (f) presenting to the viewer neutral scenes interspersed with alternative scenes that correspond to the viewer's selected one of the alternative decisions and are appropriate to the relative order in which the subsequent module is presented.

The Shiels structure does not allow the viewer's decision to change the order in which a module is viewed. Figure 6 of Shiels and the text related to it show that the branching moves consistently from beginning toward end, albeit by alternative paths, without ability to change the order in which modules are viewed. In Figure 6, if the module H to K is viewed, it must always be viewed before the module beginning at K, never after it.

The fact that some modules in Shiels can be reached by more than one path (for example, H can be reached by A-B-H or by A-D-E-H) is not the same as providing that the modules themselves can be presented in a different order. In Shiels there may be different combinations of modules that can precede a module, as for example module H, and different combinations of modules that can be viewed after module H, but the modules before H cannot be viewed after H and the modules after H cannot be viewed before H.

In addition, Shiels does not provide neutral scenes and alternative scenes. There is no way in Shiels, for example, to modify the neutral scenes showing information about a selected



automobile by interspersing alternative scenes pertaining to a customer's apparent interest in safety features imputed from her prior decisions.

Claim 4 Response:

Claim 4 is dependant from Claim 3. In addition to the non-obviousness of Claim 3, neither Haberman or Shiels disclose or suggest a step of presenting to the viewer neutral scenes interspersed with alternative scenes that correspond to the viewer's selected alternative decision, and are appropriate to the relative order in which the module is presented, by presenting alternate scenes to avoid repeating information about the goods or services that was already conveyed to the viewer in previous scenes. As discussed in regard to claim 3, Shiels can't modify the neutral scenes by interspersing alternative scenes pertaining to a customer's apparent interest at all, much less select the appropriate alternative scenes so that she is not merely shown a repeat of the same additional information.

**III** Provisional Rejection of Claim 1.

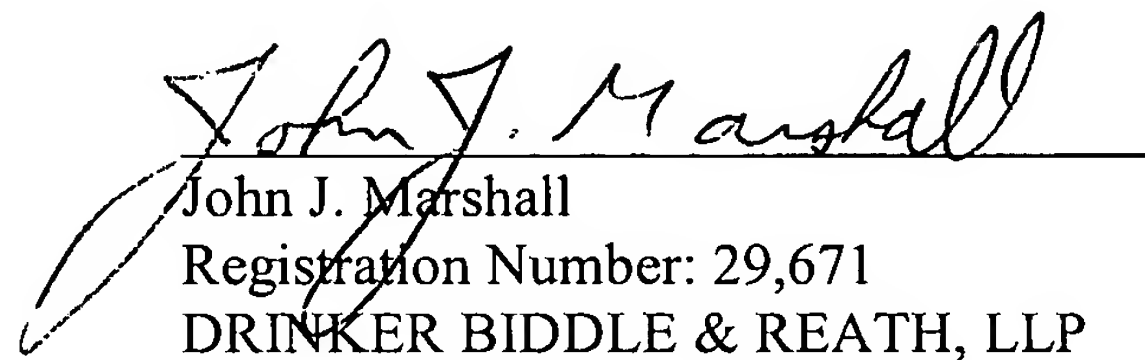
Claim 1 is provisionally rejected on the ground on nonstatutory double patenting over claim 1 of co-pending Application No. 10/003,196 in view of Bejan (US 5,465,384). [*Detailed Action, paragraph 11*] If the provisional double patenting rejection ripens to a double patenting rejection, the Applicant will further respond, including filing an appropriate amendment or terminal disclaimers.

There is substantial relationship between this application and Application No. 10/003,196. Both claim priority from the same provisional application. Both use the technique of creating alternative scenes that can be used to alter content that the viewer would see



following a decision point. This application is directed to providing interactive information about products and services. Application No. 10/003,196 is directed to providing interactive entertainment. If there is a valid obviousness type double patenting when claims are deemed allowable, it can be cured by terminal disclaimer.

Respectfully submitted,  
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